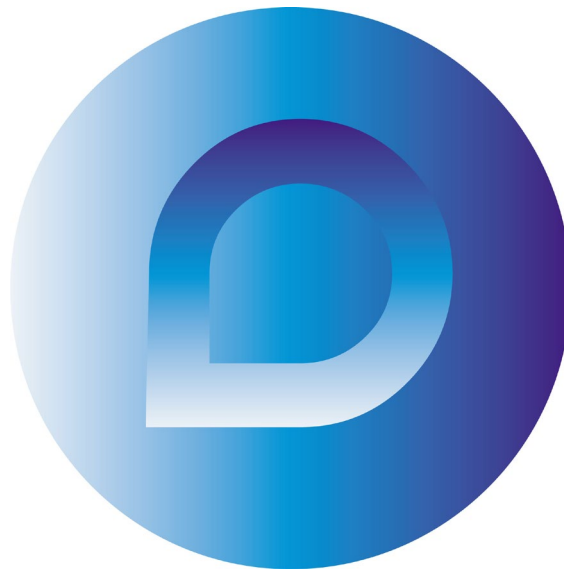


DBS Disclosures' Security Policy



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DBS Disclosures' Security Policy

(for internal staff and organisations using our services)

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1.0 Introduction

By Design Group Ltd (BDG for future reference in this document) and associated companies is committed to safeguarding the welfare of those accessing its services through the effective use of the DBS Disclosure vetting process for all relevant groups of employees. The guidance set out in this DBS Policy Statement relates to employees, volunteers, and contractors / sub-contractors.

2.0 Policy Context

Throughout this document where a “DBS Disclosure or check” is referred to, this covers all types of DBS check (i.e., standard/enhanced/enhanced + children’s and/or adults barred list check). Where the term ‘vulnerable adult’ is used, this is where an adult is in receipt of or accessing a service which leads that adult to being considered vulnerable at that particular time. The BDG uses the DBS Disclosure process as part of a range of checks for assessing the suitability of preferred candidates, volunteers, contractors, staff, those transferring within BDG, and the continued employment of those in specific roles which require reassessment. BDG obtains and makes decisions based on information provided on DBS.

Disclosures in accordance with the relevant data protection legislation, the DBS Code of Practice, the Rehabilitation of Offenders Act, and the regulations of the Department for Education (DfE) and the Department of Health (as regulated by OFSTED and CQC).

3.0 DBS Checks and When to Use Them

- 3.1 It is best practice to determine the type of DBS Disclosure that is required by way of a risk assessment which should be undertaken by the manager responsible for the activity that the individual will be undertaking. Managers should conduct the risk assessment before the activity commences and in the case of recruitment to a vacant post, this should take place prior to the recruitment process. Managers are also responsible for the ongoing reassessment of the post/work to ascertain if the level and type of contact the individual has with children and/or vulnerable adults has changed and, if necessary, to initiate a new DBS Disclosure.
- 3.2 There are five types of check that are available. The checks that are available are: Standard DBS Check - primarily for people entering certain professions such as: members of the legal and accountancy professions. Standard DBS checks just involve a check of the police national computer and do not include a check of police information or the children's or adults barred lists. Enhanced DBS Check - used where someone meets the pre-September 2012 definition of regulated activity. This level of check involves a check of the police national computer and police information. Enhanced Check for Regulated Activity (Children) - used when someone is undertaking regulated activity relating to children. This check involves a check of the police national computer, police information and the children's barred list. Enhanced Check for Regulated Activity (Adults) - used when someone is undertaking regulated activity relating to adults. This check involves a check of the police national computer, police information and the adults barred list. Enhanced Check for Regulated Activity (Children and Adults) - used when someone is undertaking regulated activity relating to both children and adults. This check involves a check of the police national computer, police information and the children's and adults barred list.
- 3.3 It is not possible to apply for a DBS check for someone who is under 16 years of age.
- 3.4 If there are concerns about an existing worker's suitability to continue working with children and/or adults then there is the discretion to undertake a DBS Disclosure. Due to the requirements of the DBS Disclosure process the individual concerned must give their consent for the DBS Disclosure to be obtained. HR Team must be contacted for advice in these instances.

4.0 Validity of DBS Disclosures

- 4.1 There is no period of validity for a DBS Disclosure. A DBS Disclosure is technically out of date on the day it is issued as a new or further criminal conviction or caution may be recorded against the individual at any time after the issue date.
- 4.2 BDG staff have the obligation to inform BDG after the commencement of their appointment if they are subsequently cautioned, charged, summonsed, or convicted of a criminal offence then they should inform their line manager immediately. Failure to disclose such information may lead to disciplinary action being taken.

5.0 Portability of DBS Disclosures

- 5.1 Portability refers to the re-use of a DBS Disclosure, obtained for a position in one organisation and later used for a position in a new organisation.
- 5.2 Applicants can join the online update service though this will incur an annual charge the individual would need to meet. Membership for volunteers is free of charge.
- 5.3 If a certain set of criteria are met, a free and instant check can be undertaken online which will detail whether the individual's current certificate remains valid or if there is new information present which will mean that a new disclosure certificate will need to be sought. If the check remains valid then it will be accepted as a portable check.
- 5.4 Applicants can register to become a member of the online update service at <https://www.gov.uk/dbs-update-service>.
- 5.5 In relation to Contractors or Agency Staff, the "employer" is responsible for obtaining the DBS check. This check can then be used within any organisation that the Agency or Contractor provides staff to work within.

6.0 DBS Disclosure Requirements for Those Moving Positions Within BDG

- 6.1 Where an individual has undertaken a DBS Disclosure for a position with BDG and they move to another position within the organisation, the DBS Disclosure will be acceptable in the following instances: The type of DBS Disclosure (i.e., Standard / Enhanced / Enhanced + relevant barred list check) is the same for the old and new post and the individual has not had a break in service of more than three months and.
- a) The new work does not represent a significant increase in responsibility for, and contact with, children and/or adults.
 - b) The individual is registered with the online update service and, following a check of the update service, the certificate has been verified as current and valid.

7.0 Frequency of DBS Disclosure Checking – Employees

- 7.1 Where a DBS Disclosure is required, the individual will complete a DBS check as part of a recruitment and selection process to ascertain their suitability for the post. In most instances there are no requirements to undertake periodic DBS Disclosures, commonly known as a DBS Disclosure refresh.
- 7.2 BDG has taken a policy decision which means that those employees are required to undertake a new DBS Disclosure every 3 years.
- 7.3 The BDG HR Function monitors the DBS Disclosures for these groups of employees and contacts their managers to initiate the process every 3 years.
- 7.4 Where an existing worker's DBS Disclosure reveals a criminal background or any cause for concern (i.e., it is a Positive DBS Disclosure) a conversation should take place between the line manager and employee in regard to their suitability for the post. The line manager will, after having this

conversation, be required to make a recommendation on the suitability of the individual to continue in post.

8.0 Starting Work Prior to Receipt of DBS Disclosure

- 8.1 In all circumstances every effort must be made to ensure a DBS Disclosure is obtained prior to the individual starting work. Only in exceptional circumstances can an individual start work without the full results of the DBS Disclosure being known and this can only be authorised by the HR Function. Prior to the approaching the HR Function for approval the following must have taken place: BDG are in receipt of all of the other pre-employment checks and these have been confirmed as being satisfactory and; A correctly completed DBS Disclosure application has been countersigned and submitted to the DBS and; HR Function have checked and cleared the individual against the relevant barred list and; The line manager has undertaken a risk assessment to determine and ensure that sufficient safeguards are in place to ensure the individual has no unsupervised access to children or adults.

9.0 Receipt of DBS Disclosure

- 9.1. The DBS issue one copy of a DBS Disclosure to the applicant, a copy is no longer sent to the employer. The applicant will need to present the certificate to their line manager as soon as possible after they receive it. For employees (but not volunteers) HR Function will still need to record the DBS Disclosure reference number, type of Disclosure (e.g., Standard or Enhanced) and the issue date. This information should therefore be passed to HR Function in the appropriate manner.
- 9.2 If a positive DBS Disclosure (i.e., a Disclosure that reveals a criminal background or details that may be of concern) is received the manager needs to follow the necessary guidance found in the 'Online Update Service and Single Certificate Guidance', HR Function must consider and approve the suitability of the candidate to commence/continue their employment.
- 9.3 In these instances, a risk assessment is required to determine whether the risk of employing or continuing to employ an individual can be taken and what safeguards would need to be introduced to manage that risk.
- 9.4 In accordance with the Rehabilitation of Offenders Act, a criminal conviction may not automatically prevent an individual from working with BDG.
- 9.5 BDG Managers must consider the following factors:
The requirements of the role and the level of supervision the individual will receive.
The seriousness of the offence/issue raised and its relevance to the safety of employees, service users, clients, or property; How relevant the offence is on the role to be undertaken; How much time has elapsed since the offence was committed and whether it was a one-off incident or part of a history of offending; Whether the individual's circumstances have changed since the offence was committed making re-offending less likely; Whether the individual was open and transparent about their past and declared their criminal background prior to receiving the DBS Disclosure.

10.0 Recruiting from Overseas

10.1 DBS Disclosures do not record convictions that were committed abroad. When recruiting candidates who have spent a period of time living or working abroad, a DBS Disclosure must be obtained in the normal way and the equivalent disclosure from the country(s) concerned may be required as well.

11.0 DBS Disclosures for Agency Workers, Contractors, Subcontractors or Volunteers

11.1 Agency workers, contractors, sub-contractors, and volunteers must be assessed against the same criteria as those working directly for BDG to see if a DBS Disclosure is required.

11.2 It is the responsibility of the relevant department to put appropriate measures in place to validate and ensure contract compliance.

11.3 Staff employed via an agency must have their DBS renewed on an annual basis.

11.4 Contractors must ensure that their employees and sub contractors' DBS checks are refreshed every 3 years.

12.0 Security Policy of Personal Information

All printed documentation will be kept in a locked filing cabinet of which only the Finance, HR Function Managers, Company Director, or persons with specific requirements for the documentation, such as the registered DBS Counter signatory, has access unless section 1.1 applies.

12.1 If BDG are acting on behalf of a partner or client organisation to carry out DBS checks, the partner or client organisation must inform and gain permission for BDG to pass on the information obtained from the checks to the appropriate person from the partner or client organisation, such as the Company Director or head of the Human Resources Function.

12.2 All information will be kept private and confidential and will not be made available to any third parties unless under strict instruction, in writing, from the person whom the information refers too.

12.3 An individual on whom personal details are stored may request a copy their information by writing to the Finance and / or HR Function Managers at any time addressed:

By Design Group Ltd
49 Kepler
Lichfield Road Industrial Estate
Tamworth
Staffordshire
B79 7XE

12.4 If information is stored electronically and will be protected with a password, only allowing access to that information to the creator of the password, which in BDG case will be the Finance and / or HR Function Managers.

- 12.5 If information is being sent to a partner or client organisation concerning an employee or potential employees' personal details the information, where possible, will be handed to the contact in person or, failing the ability to fulfil this, will be sent marked private and confidential and as a signed for delivery by Royal Mail or Courier Service.
- 12.6 Should the information on record become obsolete, out of date or irrelevant, for example the subject no longer being employed by BDG or its partners or clients then the information will be destroyed in an appropriate manner such as shredding.
- 12.7 By Design Group Ltd are data protection registered.
Any enquiries about the security, storage and use of personal information of By Design Group Ltd staff or those of its partners or clients on which BDG store information can be made to the Finance and / or HR Function Managers in writing as per the address given under section 12.3.